

EU Food Contact Materials Legislation

DG SANTE published the 18/12 the Roadmap (Inception impact assessment) for the revision of EU rules on food contact materials. <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12497-Revision-of-EU-rules-on-food-contact-materials>

Once again, the document is indicating the different level of priority that seems to be given to food safety. "Legislation on FCMs is directly relevant for the success of key Commission policies under the EU Green Deal."

The EU Green Deal calls for addressing the following fundamental issues identified in the ongoing evaluation of the FCM legislation:

1. Lack of functioning of the internal market and possible safety issues for non-plastic FCMs.
2. The positive authorised list approach and lack of focus on the final article.
3. Lack of prioritisation of the most hazardous substances and up-to-date assessments.
4. Exchange of safety and compliance information in the supply chain is poor and the ability to ensure compliance is compromised.
5. Enforcement of rules on FCMs is generally poor.
6. Rules do not sufficiently take into account the specificity of SMEs.
7. Rules do not encourage development of safer and more sustainable alternatives.
8. The subject matter is not always clear and definitions need to be reviewed.

The Roadmap provides an interesting insight in a number of measures under consideration. New EU rules may refocus on the safety of the final FCM with in support strengthened rules on GMP.

Prioritising the assessment and management of substances is another approach, with different tiers of substances, type 1 being those with the most hazardous properties.

Another in the Roadmap confirmed dominant line of thinking, is a broader integrated view when it comes to food safety legislation. The measures taken need to support safer and more sustainable alternatives.

To incentivise their use, dedicated and clear rules on safety may be introduced for FCMs manufactured from plant or bio-based technologies as well as rules to support all forms of safe re-use and recycling excluding risks from contamination.

Furthermore, the document mentions possible measures related to a better quality of information exchange in supply chains and the possibility of making use of so-called delegated bodies for performing conformity assessments.

Starting from the current legal situation, two fundamental options will be further evaluated during the coming impact assessment, the use of the current regulatory framework (with 1935/2004 as a cornerstone) or the development of a new framework replacing the current Regulation.

An extended deadline for feedback is given until the 29th January. Provisionally scheduled in the second quarter of 2021 another extensive consultation process will be undertaken.

Similar to the consultation round upfront the Ecorys report, ECMA will prepare contributions. Any comments are welcome.

German Mineral Oil Ordinance

Following the TRIS notification of the German Ordinance, comments were introduced by the Commission and Spain, the Netherlands issued a detailed opinion and many stakeholders shared position papers.

<https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2020&num=510>

In view of these reactions, the standstill period is extended by 3 months, until the 18 February.

All this has been possible with the excellent support from the National Member Associations.

It remains unclear if the request from the Commission to EFSA for a new evaluation of the mineral oils and the still missing outcome of the Monitoring Recommendation, will be a sufficient basis for the German authorities to postpone a national mineral oil measure.



FFI/PTS recyclability study

<https://www.ffi.de/ffi-pts-project-recyclability-of-folding-cartons-and-material-combinations/>



In the current social and environmental policy debate on closed-loop recycling and the recyclability of used packaging, brand owners and retailers, waste management companies, green dot schemes and policy makers are all ever more asking questions related to the recyclability of packaging and towards our sector the recyclability of cartons.

With this comprehensive study, FFI wanted to provide a generic answer to those questions. A wide range of typical folding cartons from the food segments (dry food, frozen food, confectionery, tea/coffee, cereals) and non-food segments (cosmetics, pharmaceuticals) were tested. For these segments, also the common spectrum of material combinations, such as printing and varnish, outer and inner coatings, adhesive applications and windows were investigated as parameters influencing recycling.

The outcome of this study allows to confirm folding cartons are recyclable as part of the paper stream collected from private households.

All tests revealed that the fibre component of the various folding cartons can be fully recovered. The pulp yield was only reduced by the proportion of non-paper components, e.g. plastics from barrier coatings or window materials. In nearly all cases the maximum fibre yield was even already obtained after a disintegration time of 10 minutes.

Optical inhomogeneities and stickies typically coming from the inks and adhesives can either be screened out or are classified as non-critical in the overall waste paper household collection. The same applies to metallisation, which in the samples examined was applied to the cartons via PET lamination or cold foil transfer.

In addition to the carton samples also 4 paper cups were tested, and those were similarly assessed as recyclable in the mixed paper stream collected from households.

The study identified however a need for further investigation e.g., on the interaction between dispersion varnish and printing inks with regard to the formation of visually disturbing particles, the deink-ability of the used inks, the fragmentation and separation behaviour of metallic pigments and the optimisation of the film thickness and strength on plastic coated cartons.

As covered in the update mail (10/11), CEPI is currently developing a harmonised European test method for recyclability assessments. The outcome of the FFI study provides an excellent input into this debate and the 4Evergreen initiative.

Food Contact Chemicals Database (FCCdb)

The Food Packaging Forum published the 30/11 a comprehensive database of food contact chemicals (FCC).

A scientific article "Overview of intentionally used food contact chemicals and their hazards" and the entire database can be freely downloaded:

<https://www.sciencedirect.com/science/article/pii/S0160412020321802?via%3Dihub>

<https://zenodo.org/record/4296944#.X>

Based on 67 FCC lists from publicly available sources, the database contains 12 285 substances possibly used to make FCMs/FCAs. Using authoritative sources of hazard information, including classifications for health and environmental hazards, chemicals of concern due to endocrine disruption or persistence related hazards and chemicals on EU or US relevant lists of hazardous chemicals, 608 FCCs are prioritized for further assessment and substitution in FCMs/FCAs.

Using non-authoritative, predictive hazard data, an additional 1411 FCCdb substances which could present similar levels of concern, were identified.

The published article provides an overview of the relevant lists for the different covered concerns and gives also an indication on the potential use of the FCC per food contact material, with significant overlaps. "The highest numbers of FCCs are found in the global inventories for printing inks, plastics, paper/board and coatings, with 5625, 4742, 2950 and 2886 included substances."

The article confirms the concern related to multiple source chemicals. From the total number of FCCs assigned to paper and board manufacturing (2950), 1334 are in common with the list for plastics, 1270



with the list for coatings. For the ink inventory (5625 FCCs), 744 are common with the adhesives, 1309 are also in the paper and board inventory and 1590 are present on the coating list ...

The list of prioritized chemicals (608 FCCs) contains the substances present on the REACH lists (SVHC 123, Restriction list 255) and the Californian Proposition 65 list (175), 54 substances recognised as EDC (Endocrine disrupting chemicals), PTB (persistent, bio accumulative, toxic) and/or vPvB (very persistent, very bio-accumulative) or POP (persistent organic pollutants). 266 substances are prioritised for environmental hazards.

The largest numbers of hazardous substances are found on global inventories for printing inks (377), plastics (325) and paper/board (256).

Fourteen prioritized substances are found on 10 or more global FCM inventories.

Listed in number of inventories	Substances
14	Formaldehyde
12	Styrene, Vinyl chloride
11	Sodium tetraborate, Acrylonitrile
10	Boric acid, Ammonia, Ethyl acrylate, 1,1- dichloroethylene Ethylene glycol, Silicon dioxide, Zinc oxide, Bisphenol A Epichlorohydrin

In the ECMA Food Safety Committee meeting (24/11) the decision was taken to develop guidance on how to address requests related to lists of chemicals of concern.

New developments regarding specific substances.

PFAS

In the FS Com (24/11) was once more stated how further restrictions will quite soon be introduced for all PFAS (4500 substances). Those currently in BfR 36 will be delisted.

The phasing out will take time and requires discussion with different suppliers. Aside PFAS used as a surfactant on paper and board and traces appearing in recycled board, those substances can also be present in printing inks and coatings.

At the Food Packaging Forum workshop (21-23/10) Ian T. Cousins (Stockholm University) presented the essential use concept and the practical applications for phasing out hazardous substances.

PFAS was used as an example for classifying the different uses in three categories: 1 "non-essential" primarily market driven, 2 "substitutable", the uses are essential but alternatives have been developed, 3 "essential" necessary for health and safety ...

The uses in food packaging were assessed as categories 1 and 2, which means PFAS can be phased out for those applications.

In this presentation the following alternatives were mentioned: the introduction of a physical barrier, a chemical barrier (natural grease proof or vegetable parchment, hydrocarbon- and silicone polymer-based alternatives), POPFREE (a novel chemistry developed by BIM Kemi and tested by the paper manufacturers NordicPaper and Billerudkorsnäs).

Phthalates

Also, this category of chemicals will be further restricted.

A recent Commission's proposal amends Annex 14 of REACH for DEHP, BBP, DBP and DIBP.

Currently those substances are exempted from the authorisation requirement in certain materials and articles - e.g. DEHP in food contact materials within the scope of 1935/2004 or 10/2011 and in immediate packaging of medicinal products - and the draft proposal from the Commission is to skip these derogations.

A consultation page is open until the 5/01.

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12550-Harmful-chemicals-updated-list-of-endocrine-disrupting-substances-REACH-Regulation->

In view of the discussion in 2014 when drafting the ECMA adhesives guidance in which we were already recommending to avoid those 4 phthalates, ECMA has not the intention to send in specific comments.

22th December 2020

